

1 WRIGHT, FINLAY & ZAK, LLP  
2 Nichole L. Glowin, Esq. SBN 262932  
3 4665 MacArthur Court, Suite 280  
4 Newport Beach, CA 92660  
Tel: (949) 477-5050; Fax: (949) 608-9142  
nlglowin@wrightlegal.net

5 Attorneys for Defendants, OCWEN LOAN SERVICING, LLC and ONEWEST BANK, FSB

6 UNITED STATES BANKRUPTCY COURT  
7 EASTERN DISTRICT OF CALIFORNIA- SACRAMENTO DIVISION

In re:	) Chapter: 13
	)
GIL MARIANO RAPOSO and JOANNE	) BK Case No.: 09-27153
CAROL RAPOSO,	) Adv. Case No.: 15-02095
	)
Debtors.	)
	)
GIL MARIANO RAPOSO and JOANNE	) <b>DECLARATION OF CIT BANK, N.A.</b>
CAROL RAPOSO,	) <b>FORMERLY KNOWN AS ONEWEST</b>
	) <b>BANK, FSB IN RESPONSE TO ORDER</b>
Plaintiffs,	) <b>TO APPEAR REGARDING ATTORNEY</b>
	) <b>REPRESENTATION</b>
vs.	)
	)
OCWEN LOAN SERVICING, LLC and	) Date: November 19, 2015
ONEWEST BANK, FSB,	) Time: 1:30 p.m.
	) Courtroom: 33, Dept. E
	) Location: 501 I Street
Defendants.	) Sacramento, CA 95814
	)
	)
	)
	)
	)
	)

23  
24 I, Rebecca Marks, declare and state as follows:

25 1. I am an Assistant Vice President for Defendant, CIT BANK, N.A. formerly  
26 known as and sued herein as ONEWEST BANK, FSB ("ONEWEST"). IMB Holdco, LLC, the  
27 parent company of ONEWEST, recently merged with CIT Group Inc. As part of this merger,  
28 CIT BANK, a subsidiary of CIT Group, Inc., merged with and into ONEWEST, which was

1 renamed CIT BANK, N.A. effective August 3, 2015. In this capacity, my duties include  
2 reviewing and interpreting various business records relating to ONEWEST's loan servicing  
3 activities, including ONEWEST's loan servicing activities relating to the property at issue in  
4 this action. I am a duly authorized custodian for these business and servicing records and am  
5 authorized to execute this declaration on behalf of ONEWEST.

6 2. I regularly verify ONEWEST's records, loan histories, correspondence, and  
7 communication histories. This entails reviewing, becoming familiar with, and participating in the  
8 review of documents related to loan accounts for loans serviced by ONEWEST. From my  
9 employment for ONEWEST, I am familiar with its business operations and with the services that  
10 ONEWEST offers to its customers.

11 3. I, among others, have custody and control of ONEWEST's servicing records  
12 relating to the Subject Loan (as defined below). I have personally examined and reviewed the  
13 records, copies of which are attached to this declaration as exhibits, which records were created  
14 and/or maintained in the course of ONEWEST's servicing of the Subject Loan. ONEWEST's  
15 records for the Subject Loan include all loan servicing documents, communications and loss  
16 mitigation records. I have personal knowledge of the facts set forth herein based upon my review  
17 of ONEWEST's servicing records, documents, communications and loss mitigation records for  
18 the Subject Loan, and if called upon as a witness to testify, I could and would competently testify  
19 to the following under oath.

20 4. I submit this declaration in response to the Court's Order to Appear Regarding  
21 Attorney representation entered in the above-referenced adversary case.

22 5. On April 16, 2009 Plaintiffs GIL MARIANO RAPOSO and JOANNE CAROL  
23 RAPOSO (hereinafter collectively referred to as "Plaintiffs") filed a petition under Chapter 13 of  
24 the Bankruptcy Code in the United States Bankruptcy Court for the Eastern District of  
25 California, Sacramento Division, as Case No. 09-27153 ("Bankruptcy Action"). A true and  
26 correct copy of the docket for the Bankruptcy Action is attached hereto as Exhibit 1.

27 6. As of the date of the filing of the Bankruptcy Action, on or about April 16, 2009,  
28 ONEWEST acted as the servicer of the Subject Loan, which is a loan in the amount of

1 \$51,000.00 made to IndyMac Bank, F.S.B. by Plaintiffs (the "Subject Loan") and was secured by  
2 a Deed of Trust ("Deed of Trust") recorded on the subject property located at 9090 Locust Street,  
3 Elk Grove, CA 95624 in the Official Records for the County of Sacramento, on October 5, 2006,  
4 in Book 20061005, at Page 0967 (See Plaintiffs' Adversary Complaint at ¶¶ 7 and 10). A true  
5 and correct copy of the Deed of Trust is attached hereto as Exhibit 2. ONEWEST serviced the  
6 loan on behalf of Deutsche Bank National Trust Company, as Indenture Trustee for IndyMac  
7 Home Equity Mortgage Loan Asset-Backed Trust, Series 2006-H4 (hereinafter referred to as the  
8 "Investor").

9 7. On or about June 13, 2013, ONEWEST entered into an agreement ("Agreement")  
10 to sell, transfer and assign its servicing rights regarding several loans, including the Subject Loan  
11 herein, to Defendant, OCWEN LOAN SERVICING, LLC ("OCWEN") effective December 1,  
12 2013. Pursuant to the Agreement, OCWEN was and is authorized to retain counsel to defend  
13 ONEWEST in any litigation concerning the Subject Loan, including the above-referenced  
14 adversary proceeding filed May 14, 2015 in the Eastern District of California, Sacramento  
15 Division, entitled *Raposo v. Ocwen Loan Servicing, LLC et.al*, commonly referred to as  
16 Adversary Case No. 15-02095 ("Adversary Action").

17 8. Pursuant to the above-referenced Agreement, OCWEN retained the Law Offices  
18 of Wright, Finlay and Zak, LLP ("WFZ") to defend OCWEN and ONEWEST in the Adversary  
19 Action. ONEWEST specifically consents to and authorizes WFZ's representation of ONEWEST  
20 in the Adversary Action.

21 I declare under the penalty of perjury of the laws of the United States of America that  
22 the foregoing is true and correct. Executed this 14<sup>th</sup> day of October 2015, at Austin, Texas.  
23  
24

25 

26 Rebecca Marks, Declarant  
27  
28